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10 Attorneys for Plaintiff

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

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16 UNITED STATES OF AMERICA, } CR No. 07-764-SI
17 Plaintiff, } STIPULATION AND [PROPOSED] ORDER
18 v. } EXCLUDING TIME UNDER 18 U.S.C. § 3161
19 JUAN HERRERA-SANTOS, }
20 Defendant. }
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22 On December 21, 2007, the parties in this case appeared before the Court and stipulated that
23 time from December 21, 2007 through January 25, 2008 should be excluded from Speedy Trial
24 Act calculations because defense counsel needs adequate time to review discovery, which
25 government counsel has produced and additional discovery, which the government will produce.
26 The parties represented to the Court that the length of the requested continuance was the
27 reasonable amount of time necessary for effective preparation of defense counsel, taking into
28 account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed

1 that the ends of justice served by this continuance outweighed the best interests of the public and
2 the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

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4 SO STIPULATED:

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6 JOSEPH P. RUSSONIELLO
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9 United States Attorney

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11 DATED: January 17, 2008

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/s/
TAREK J. HELOU
Assistant United States Attorney

DATED: January 17, 2008

/s/
STEVEN KALAR
Attorney for Defendant JUAN HERRERA-SANTOS

As the Court found on December 21, 2007, and for the reasons stated above, the Court finds that the ends of justice served by the requested continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds that time from December 21, 2007 through January 25, 2008 shall be excluded from Speedy Trial Act calculations for effective preparation of defense counsel. 18 U.S.C. § 3161(h)(8)(A). Failing to grant the requested continuance would deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: _____

THE HONORABLE SUSAN ILLSTON
United States District Judge

